

U.S.S.N. 10/676,763

2

01-052 (BOE 0460 PUS)

**REMARKS**

In the Non-Final and Final Office Actions dated October 1, 2004 and January 12, 2005, respectively, claims 1-16 are pending. Claims 1-16 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-19 of Bhattacharyya et al. (U.S. Patent No. 6,642,900 B2).

In response to the Non-Final Office Action a terminal disclaimer was filed disclaiming the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term of the prior U.S. Patent No. 6,642,900 B2.

The Final Office Action states that the terminal disclaimer is not accepted since the person who signed the terminal disclaimer is not recognized as an officer of the assignee. Applicants, respectfully, traverse.

Applicants submit that the signing person is a listed attorney of record under the Customer No. 27256. Also, in a telephone conversation with the Examiner on February 2, 2005, regarding the authorized signers for Customer No. 27256, the Examiner determined and agreed that the signing attorney, namely Jeffrey J. Chapp, is authorized to sign under the Customer No. 27256. Therefore, the terminal disclaimer filed on November 4, 2004 is acceptable as originally signed and should be entered.

Thus, as stated in the Response to the Non-Final Office Action, the Bhattacharyya Patent cited above may no longer be used as a prior art reference against the present application. Therefore, claims 1-16 are novel, nonobvious, and are in a condition for allowance.

U.S.S.N. 10/676,763

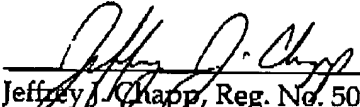
3

01-052 (BOE 0460 PUS)

In light of the remarks, Applicants submit that all rejections are now overcome. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments, he is respectfully requested to call the undersigned attorney.

Respectfully submitted,

ARTZ & ARTZ P.C.

  
Jeffrey J. Chapp, Reg. No. 50,579  
28333 Telegraph Road, Suite 250  
Southfield, MI 48034  
(248) 223-9500

Dated: March 9, 2004